

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Gordon	Team: Team # 4	CCRB Case #: 200700045	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/31/2006 10:55 PM	Location of Incident: in front of § 87(2)(b)	Precinct: 67	18 Mo. SOL 6/30/2008	EO SOL 6/30/2008	
Date/Time CV Reported Mon, 01/01/2007 11:10 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/01/2007 11:10 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. SGT Richard Pignatelli	03681	918160	067 PCT
3. POM John Tancredi	00192	924537	067 PCT
4. POM Mark Jablonski	25920	922540	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Tancredi	Discourtesy: PO John Tancredi spoke rudely to § 87(2)(b)	
B.POM John Tancredi	Abuse: PO John Tancredi forcibly stopped § 87(2)(b)	
C.POM Mark Jablonski	Abuse: PO Mark Jablonski forcibly stopped § 87(2)(b)	
D.SGT Richard Pignatelli	Force: Sgt. Richard Pignatelli used physical force against § 87(2)(b)	
E.POM Mark Jablonski	Abuse: PO Mark Jablonski searched § 87(2)(b)	
F.SGT Richard Pignatelli	Abuse: Sgt. Richard Pignatelli searched § 87(2)(b)	
G.POM John Tancredi	Abuse: PO John Tancredi searched § 87(2)(b)	
H. Officers	Discourtesy: Officers spoke rudely to § 87(2)(b)	
I.SGT Richard Pignatelli	Off. Language: Sgt. Richard Pignatelli made remarks to § 87(2)(b) based upon race.	
J.SGT Richard Pignatelli	Abuse: Sgt. Richard Pignatelli threatened to arrest § 87(2)(b) and § 87(2)(b)	
K.SGT Richard Pignatelli	Discourtesy: Sgt. Richard Pignatelli spoke rudely to § 87(2)(b) and § 87(2)(b)	

## Synopsis

On December 31, 2006, at approximately 10:55 PM, § 87(2)(b) § 87(2)(b) old, walked out of his building at § 87(2)(b) § 87(2)(b) in Brooklyn in order to throw away a black plastic bag of cat litter. As he was doing so, two male, Caucasian, uniformed police officers, PO Mark Jablonski and PO John Tancredi, approached § 87(2)(b) asking him what was in the bag. § 87(2)(b) told them “None of your business.” One of the officers described as having a “beetles hair cut” then asked, “What the fuck was in the bag?” (**Allegation A**). Both officers grabbed § 87(2)(b) by each arm (**Allegation B and C**) as § 87(2)(b) was pushing away from them. Sgt. Richard Pignatelli then approached, kned § 87(2)(b) in his genitalia and “slammed” him back first on a parked car so that his head hit the car first and then his body was laid out on the car with his feet off of the ground (**Allegation D**). Following this, all three of the officers, one after the other, put their hands in § 87(2)(b)s pockets and then put their hands inside of his waistband, on the inside of his underwear (**Allegations E, F and G**). § 87(2)(b)s mother, § 87(2)(b) came downstairs noticing a crowd of about eight or nine people and the officers were telling § 87(2)(b) to “shut the fuck up” (**Allegation H**). § 87(2)(b) § 87(2)(b) approached the officers, asking what they were doing § 87(2)(b). Sgt. Pignatelli approached her, asked who she worked for and when she told him, he responded, “I don’t give a fuck who you work for” and additionally called § 87(2)(b) a “bitch” (although § 87(2)(b) alleged that Sgt. Pignatelli said “black bitch”) (**Allegation I**). Sgt. Pignatelli then told § 87(2)(b) and § 87(2)(b) that he could “have both their asses in jail.” (**Allegation J and K**). § 87(2)(b) then asked the officers for their names and shield numbers and Sgt. Pignatelli identified himself by name and shield number. The officers then got into a black, unmarked police car and left without issuing a summons or making an arrest.

It was explained to § 87(2)(b) and § 87(2)(b) the difference between the investigative process and the mediation process. While § 87(2)(b) was not sure which process he wanted to pursue, § 87(2)(b) wished to try mediation. However, she later changed her mind and decided to proceed with the investigation, § 87(2)(b)

§ 87(2)(g)

## Summary of Complaint

§ 87(2)(b) first called this complaint into the CCRB on January 1, 2007 (see enclosure 4). § 87(2)(b) was first contacted on January 4, 2007 and gave a brief phone statement (see enclosure 7a). She then provided an official statement to the CCRB on January 8, 2007 (see enclosure 7c). § 87(2)(b) then called IAB to report this same incident on February 7, 2007, but the case was referred back to the CCRB (see enclosure 5). Finally, she viewed photo arrays for this investigation on May 21, 2007 (see enclosures 7d-7w). § 87(2)(b), § 87(2)(g)

On December 31, 2006, at approximately 10:55 PM, § 87(2)(b) and her son, § 87(2)(b) were at their apartment at § 87(2)(b) § 87(2)(b) in Brooklyn preparing to go to a New Year’s Eve celebration. § 87(2)(b) told her son to take a small black plastic bag filled with cat litter out to the

garbage and that she would meet him outside. § 87(2)(b) went outside to take the garbage out and § 87(2)(b) came outside two to three minutes later.

When she came outside, she saw a crowd of about eight or nine people in front of her building. She did not know any of these people. She then saw three Caucasian male police officers in uniform holding § 87(2)(b) down with his back against a car. All the officers were holding § 87(2)(b) by his arms and his chest and he was laid out on the car with his feet in the air. She heard officers telling § 87(2)(b) to “shut the fuck up” and § 87(2)(b) was saying to the officers, “Get the fuck off of me.” § 87(2)(b) could not say which officers specifically had said “shut the fuck up.” § 87(2)(b) approached the officers that had her son “pinned.” § 87(2)(b) The officers told § 87(2)(b) several times to “step back.” § 87(2)(b) said she would not step back and explained that § 87(2)(b) it was her son who they had stopped. This is when the officers let § 87(2)(b) up off of the car. The officers explained to § 87(2)(b) that they had her son stopped because they wanted to know what was in the black bag he had. One of the officers, described as 230 lbs, with dark hair and eyes, 5’6”, clean-shaven and identified through investigation as Sgt. Richard Pignatelli, approached § 87(2)(b) and repeatedly asked her, “Who you work for?” and then he said, “I don’t give fuck who you work for” and “I will have both you and your son’s asses in jail tonight.” § 87(2)(b) said, “For what? We didn’t do anything.” The two continued to argue with § 87(2)(b) saying to Sgt. Pignatelli, “Fuck you” and Sgt. Pignatelli saying to § 87(2)(b) “Fuck you, I don’t care who you work for.” Sgt. Pignatelli also called § 87(2)(b) a “bitch.” § 87(2)(b) then asked Sgt. Pignatelli who was his supervisor and Sgt. Pignatelli told her that he was the supervisor. § 87(2)(b) asked the officers for name and shield and Sgt. Pignatelli then showed § 87(2)(b) his shield, which had on it the name “Zanelli” and the shield number “3467.” The two other officers with Sgt. Pignatelli were wearing dark navy jackets without patches and dark navy cargo pants. One of the officers was described as being slim, 5’7” with a “beetles” hair cut, with a pointy nose and a long face, identified through investigation as PO Mark Jablonski. The other officer was described as shorter than PO Jablonski -5’4” to 5’5”- with dark hair, an olive complexion and arched eyebrows, identified through investigation as PO John Tancredi. These officers both did not show their shields and “looked stuck” when § 87(2)(b) asked the officers as a whole for identification.

After Sgt. Pignatelli and § 87(2)(b) argued for a little while, § 87(2)(b) told Sgt. Pignatelli to arrest her if he planned to arrest her. Sgt. Pignatelli then said, “Fuck this, I don’t need this, fuck this” and the officers drove away in a black, unmarked “up to date, regular” car with tinted windows. The officers did not arrest anyone at that scene nor did they issue any summonses. The officers also never investigated the contents of the black bag at any point during the encounter.

§ 87(2)(b) did not see the initial stop but said that § 87(2)(b) told her that when the officers asked him what was in the bag, he told them that it was none of their business and that it was just garbage. § 87(2)(b) also told her that the officers then grabbed him at that point and he pulled away while asking, “What are you touching me for?” § 87(2)(b) also told her that all three of the officers searched inside his pockets and put their hands in his underwear when they had him pinned against the car; § 87(2)(b) did not witness this, either. § 87(2)(b) was not under the influence of any drugs or alcohol during this incident.

#### § 87(2)(b) s Photo Array

The first set consisted of all Caucasian or Hispanic male officers assigned to 67<sup>th</sup> Precinct spike, conditions or anti-crime assignments on the third tour of December 31, 2006, as per the roll call. Of the eleven officers in the array, § 87(2)(b) recognized PO Bruce Ceparano and PO Joseph Villa, both working conditions, with a fifty percent certainty as being officers that could have been one of the officers that pinned her son to the car in the incident.

The second set was a photo array consisting of Sgt. Richard Pignatelli, who was the anti-crime supervisor, in slot five and five filler officers. § 87(2)(b) recognized Sgt. Pignatelli with a fifty percent certainty as the officer who identified himself as the supervisor at the scene of the incident.

### Results of Investigation

§ 87(2)(b) was first spoken to when he was interviewed at the CCRB on January 8, 2007 (see enclosure 8b). He then viewed photo arrays for this investigation on May 21, 2007 (see enclosures 8d-8p).

On December 31, 2006, at approximately 10:55 PM, § 87(2)(b) went outside and threw away a small black plastic bag filled with cat litter. § 87(2)(b) was outside for approximately 20 to 30 minutes when a male officer approached him, described as having a “beetles” hair cut, being skinny 5’7” and clean-shaven, identified through investigation as PO Mark Jablonski. PO Jablonski asked § 87(2)(b) what was in the bag and § 87(2)(b) - suspicious because the man did not have his police shield visible - told him that it was none of his business. PO Jablonski grabbed § 87(2)(b) by the right arm and § 87(2)(b) “shoved” his arm away by “brushing it softly.” A second male officer without a shield, described as having a medium build, being Caucasian and 5’7”, identified through investigation as PO John Tancredi, then approached asking repeatedly, “What the fuck was in the bag?” To which § 87(2)(b) again responded, “None of your business.” Both officers then tried to grab § 87(2)(b) by the arms and § 87(2)(b) was pushing against them to “force them to get off of [him]”. The officers restrained him by holding his arms.

At this point, a “chubby”, 5’4” and Caucasian male officer, identified through investigation as Sgt. Richard Pignatelli, approached. Sgt. Pignatelli grabbed § 87(2)(b) kneed him in the genitals and then slammed him onto a car on his back where his head hit the car first. PO Jablonski then searched § 87(2)(b) by putting his hands inside of his pockets and then putting a hand inside of § 87(2)(b)s waistband, inside of his boxer shorts. Sgt. Pignatelli performed the same search and PO Tancredi did the same after Sgt. Pignatelli. At no point did § 87(2)(b) indicate that the officers were touching his genitals. § 87(2)(b) was pinned on top of the car for about 10 minutes. This is when § 87(2)(b) told the officers to “get the fuck off” him. At which point, § 87(2)(b)s mother, § 87(2)(b) approached and asked the officers what they were doing. They explained to her that they asked her son what was in the black bag. Then, Sgt. Pignatelli began to argue with § 87(2)(b) saying “fuck you” and calling her a “black bitch” and telling her that he was going to arrest her and § 87(2)(b).

There were a few people outside before this incident began. But, by the time the officers had § 87(2)(b) against the car there were more, about 10 to 13 in total. § 87(2)(b) did not know any of these people. The incident lasted about 45 minutes to an hour.

#### § 87(2)(b) Photo Array

The first set consisted of all Caucasian or Hispanic male officers assigned to 67<sup>th</sup> Precinct spike, conditions or anti-crime assignments on the third tour of December 31, 2006, as per the roll call. Of the eleven officers in the array, § 87(2)(b) was only able to recognize PO William Dean, who was working anti-crime that night, with a fifty percent certainty as one of the officers that grabbed him during the incident.

The second set was a photo array consisting of Sgt. Richard Pignatelli, who was the anti-crime supervisor on the night of the incident, in slot one and five filler officers. § 87(2)(b) recognized the filler officer in slot two with a fifty percent certainty as one of the officers that went inside of his pants during the incident. He could not recognize any of the other officers.

#### *Witnesses not interviewed*

The complainants stated that there were about eight to thirteen civilians watching by the end of the incident. § 87(2)(b) and § 87(2)(b) stated that they did not know any of the people who were outside watching this incident. § 87(2)(g)

## Officer Statements

§ 87(2)(b), § 87(2)(g)

*Sgt. Richard Pignatelli, PO John Tancredi and PO Mark Jablonski*

Sgt. Pignatelli's Memo Book (see enclosures 9e-9f): December 31, 2006: (Sgt. Richard Pignatelli made the following memo book entry on the fly page above where he made his time entries for the date of incident): At approximately 2300 in vicinity of § 87(2)(b) observed a male black dressed in all black placing a small bag in alleyway. When approached by Tancredi and Jablonski, he pulled away holding his waist. When the officers grabbed him, he attempted to flee. Approximately one minute later a female black attempted to intervene. She was apparently intoxicated as she screamed and yelled, strong smell of alcohol present. Provided name and shield to c/v (sic) who continued to be belligerent.

PO Tancredi's Memo Book (see enclosures 10c-10d): December 31, 2006: PO Tancredi did not make any memo book entries about this incident.

PO Jablonski's Memo Book: December 31, 2006 (see enclosures 11c-11d): PO Mark Jablonski made the following entry on the fly page that comes before his time entries specific to this incident: 12/31/06 - 2300 male stopped § 87(2)(b) § 87(2)(b) (sic) CPW (criminal possession of a weapon). *This entry is accompanied by three other similar entries for individuals stopped on December 30 and 31 of 2006.*

Sgt. Richard Pignatelli was interviewed at the CCRB on May 31, 2007 (see enclosure 9k). PO John Tancredi was interviewed on June 13, 2007 (see enclosure 10f) and PO Mark Jablonski was interviewed on June 15, 2007 (see enclosure 11f). On December 31, 2006, Sgt. Pignatelli was assigned as the supervisor to an Anti-Crime patrol with Police Officers Mark Jablonski and John Tancredi. Normally, the Anti-Crime team would be in plainclothes but for this evening, New Years Eve, they were dressed in full uniform with a regular field jacket that had the officer's shield and command affixed to the outside. They were assigned to unmarked car § 87(2)(b). Sgt. Pignatelli's tour was from 7:26 PM to 4:10 AM of the next morning.

On December 31, 2006, at approximately 10:55 PM, Sgt. Pignatelli was driving the unmarked car with PO Jablonski and PO Tancredi. They were approaching the corner of § 87(2)(b) § 87(2)(b). That night there had been numerous radio calls regarding shots fired. The officers were also hearing gun shots in the area of their patrol.

In front of § 87(2)(b) § 87(2)(b) one of the officers observed (it is not clear which one as Sgt. Pignatelli said it was either PO Tancredi or PO Jablonski while PO Tancredi said it was Sgt. Pignatelli and PO Jablonski could not recall), by himself, dressed in all black (later identified by the officers as § 87(2)(b) placing an object in the alleyway near the building. Because of the suspicion that this object may have been a weapon, Sgt. Pignatelli pulled the car up directly in front of the location and PO Jablonski and PO Tancredi exited the car and approached § 87(2)(b) while Sgt. Pignatelli stayed inside of the car in case § 87(2)(b) fled from the scene.

As the officers approached § 87(2)(b) they said, "Police, don't move." § 87(2)(b) was facing the officers but took a few steps back, turned his body sideways and was reaching with his right hand towards his back right side. As § 87(2)(b) was backing up, he was moving closer to a parked car on § 87(2)(b) PO Tancredi and PO Jablonski then both reached for § 87(2)(b) wrists. Each officer grabbed one of § 87(2)(b)'s wrists, with PO Jablonski holding the right and PO Tancredi holding the left. The officers held him like that, back first, against the parked car he was moving towards so that his hands were away from his waist; meanwhile § 87(2)(b) was trying to pull his arms away from the officers. The officers did not have to use any physical force other than holding him against the car as § 87(2)(b) is rather small. At no point did the officers say anything to the

effect of “Shut the fuck up,” or “What’s in the fucking bag?” Neither of the officers kneed § 87(2)(b) in the genitals and PO Jablonski noted that there was no reason for him to put his body into § 87(2)(b) to get him restrained.

PO Jablonski frisked § 87(2)(b) s waistband on the outside for a “hard object.” He did not find anything at the waistband and did not pursue any other frisk or search measures. At no point did any of the officers enter § 87(2)(b) s waistband. Meanwhile, § 87(2)(b) began screaming for his mother and telling the officers “Get the fuck off me,” at which point Sgt. Pignatelli exited the vehicle and tried to calm him down. He explained to § 87(2)(b) that the officers stopped him because they suspected him of having a gun and asked him if he heard the gun shots. None of the officers told § 87(2)(b) to shut the fuck up during this incident. Sgt. Pignatelli never had any physical contact with § 87(2)(b).

About a minute after § 87(2)(b) was stopped, a female black came out of § 87(2)(b) (identified through investigation as § 87(2)(b)). About four other people began to approach the scene to see what was happening. § 87(2)(b) approached the officers § 87(2)(b) screaming at the officers, “Get off my son” § 87(2)(b) and, according to PO Jablonski, “What the fuck are you doing? That’s my son.” § 87(2)(b). The officers then let go of § 87(2)(b) and PO Jablonski went to the alleyway to check on the object they observed being set down; PO Jablonski only saw garbage and so told Sgt. Pignatelli that there was nothing in the alleyway. Sgt. Pignatelli then told the officers to go back to the car and they did.

§ 87(2)(b) was then screaming belligerently at Sgt. Pignatelli, “Why the fuck are you stopping my son?” § 87(2)(b) was intoxicated because she was acting irrationally and the officers could smell alcohol on her breath. Sgt. Pignatelli tried to explain that they were stopping her son because there were gunshots in the area and the officers saw § 87(2)(b) put something in an alleyway, but she did not appear to have been listening to Sgt. Pignatelli. Sgt. Pignatelli never said to her something to the effect of “I don’t care who the fuck you work for,” nor did he ever call her a “black bitch.” Sgt. Pignatelli also never said anything to § 87(2)(b) or § 87(2)(b) anything to the effect of “I could have you in jail tonight” as the issue of arresting people at the scene never came up.

Sgt. Pignatelli tried “to extend every courtesy towards § 87(2)(b) § 87(2)(b) including giving her his name and shield number, which he stated § 87(2)(b) “must have gotten wrong in the [CCRB complaint].” When Sgt. Pignatelli asked how he knew about the CCRB complaint he stated at some point he was told that someone had made a complaint but he did not know the nature of it. He then stated that he saw the IAB communication generated for a complaint regarding this incident because his supervisor had to ask him about the incident. Additionally, the other civilians who had come to the scene were yelling at the officers, “I’ll fix you; I’ll fix your ass” and “Fucking police.” Because of this, Sgt. Pignatelli had a feeling that there would be a civilian complaint and so he was telling anybody who asked him his name and shield number. As he was leaving, he never said anything to the effect of “Fuck this shit.”

Sgt. Pignatelli then got into the car and the officers drove back to the 67<sup>th</sup> Precinct stationhouse. At the stationhouse, PO Jablonski filled out a stop and frisk report by piecing together the information they gained at the scene by asking § 87(2)(b) his name during the stop and then obtaining his address because they were right outside of it during the stop; the officers never asked for § 87(2)(b) s ID card.

By approximately 11:45 PM, PO Tancredi, PO Jablonski and Sgt. Pignatelli had arrived at Schenectady Avenue and Tilden Avenue for a “Muster Point.” PO Jablonski described this as a strategy used on New Years Eve, around midnight, to ensure the safety of the officers working that night as there is an increase in shots being fired.

When asked why the officers went back to the Precinct stationhouse on a night where there was an elevated number of crimes, PO Jablonski could only say that they went to complete a stop and frisk report as they were supposed to do.

§ 87(2)(g)

Sgt. Pignatelli stated that PO Jablonski did fill out a handwritten stop and frisk report on either the night of the incident or “shortly thereafter;” he could not recall exactly when or where it was filled out. Because Sgt. Pignatelli was convinced, by the comments that civilians made at the scene, that there would be a complaint generated about this incident, he wanted to have all his “documentation in order” and so asked PO Jablonski to make a copy of the handwritten stop and frisk report before submitting it to be entered into the computer. § 87(2)(g)

§ 87(2)(g) Sgt. Pignatelli stated that “it is not uncommon for [required police paperwork] to get lost in the shuffle.”

§ 87(2)(g)

Sgt. Pignatelli further explained that the handwritten stop and frisk log that he brought to his first interview, which logs the stop of § 87(2)(b) as occurring at 11:00 PM on 12/31/06 at § 87(2)(b) and § 87(2)(b) amongst other stops and frisk reports in chronologically, is a document kept by his Anti-Crime team and not the 67<sup>th</sup> Precinct. Sgt. Pignatelli initiated the keeping of this log when he took charge of the Anti-Crime team as he knows there to be issues with stop and frisk reports in a Precinct that “generates a lot of them.” Sgt. Pignatelli has worked at the 67<sup>th</sup> Precinct for 20 months and does not believe that the Precinct keeps a handwritten log of stop and frisk reports.

As regards his memo book, Sgt. Pignatelli admitted that he did write the time entry and the fly page entry some time after March 20, 2007. As a plainclothes supervisor, Sgt. Pignatelli does not always carry his memo book with him and may get behind on his memo book entries, often he will write information about an incident on the fly pages at a later date in order to catch up. § 87(2)(g)

§ 87(2)(g) He did it later when first request for memo books reminded him of the incident.

When asked why a second request for his memo book, after it was realized that he may have added to it, came back as the memo book was lost, Sgt. Pignatelli explained that the officer requesting his memo book for this incident requested the memo book entry for a date regarding a gun arrest incident which he had documented in the memo book he had just completed prior to opening the memo book containing the entry for this incident. As such, he had told the officer that he had lost that memo book.

#### *Officer identification*

§ 87(2)(g)

§ 87(2)(g)

### Police Department Documents

*COMSTAT Maps:* Sgt. Pignatelli brought to his CCRB interview two maps: one showed the number and locations of shots fired in the area of the 67<sup>th</sup> Precinct covering 63 days after December 31, 2006 and the other showed number and locations of gun arrests and shots fired in the area of the 67<sup>th</sup> Precinct 28 days since December 31, 2006. Highlighted on both maps were the symbols indicating that there were three to twelve reports of gun shots in the immediate area of § 87(2)(b) (see enclosures 6c-6d).

*Handwritten Stop and Frisk Report:* At the time of his first CCRB interview, Sgt. Pignatelli also provided a handwritten stop and frisk report for § 87(2)(b) that was filled out by PO Jablonski on December 31, 2006. Additionally, he brought a copy of the handwritten stop and frisk log, § 87(2)(g)

§ 87(2)(b) The stop and frisk report shows that § 87(2)(b) was stopped because he was observed “placing object in alleyway” and for this the officers suspected him of possible criminal possession of a weapon. His name on the report is § 87(2)(b) He was frisked and the reason he was stopped was explained to him. This document had no serial number (see enclosure 9i).

*Digital Stop and Frisk Log:* § 87(2)(b)

Neither of them lists a stop and frisk report for § 87(2)(b) (nor § 87(2)(b) as PO Jablonski had recorded it). Additionally a stop and frisk log showing all of the stop and frisk reports completed by PO Jablonski from February 25, 2006 to May 16, 2007 shows no record of a stop and frisk log filled out for § 87(2)(b) on December 31, 2006 (see enclosure 16).

### Criminal Conviction Histories

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Complainants’ CCRB Histories

This is the first CCRB complaint for § 87(2)(b) and § 87(2)(b) (see enclosure 3).

### Officers’ CCRB Histories

Sgt. Pignatelli is the subject officer of one substantiated CCRB allegation: CCRB case 200510952, where the allegation was abuse of authority – vehicle searched. The CCRB recommended charges but the NYPD carried out no disciplinary action because the department was unable to prosecute (DUP) (see enclosure 2).

## Conclusions and Recommendations

### Undisputed Facts

§ 87(2)(b) was placing a black plastic bag in an alleyway near his residence at § 87(2)(b) in Brooklyn. Sgt. Richard Pignatelli and Police Officers Mark Jablonski and John Tancredi observed this and decided to stop § 87(2)(b) PO Tancredi and PO Jablonski approached § 87(2)(b)



§ 87(2)(b) PO Tancredi and PO Jablonski grabbed § 87(2)(b) by each arm and held § 87(2)(b) against a parked car. PO Jablonski frisked § 87(2)(b) § 87(2)(b) then came outside and was asking the officers why they were stopping her son § 87(2)(b). Other unidentified individuals came to the scene. Sgt. Pignatelli gave § 87(2)(b) his name and shield. The officers then left without issuing a summons or making an arrest.

## Disputed Facts

§ 87(2)(g)

## Assessment of Evidence

[illegible]

## Analysis of Allegations

### *Allegations not pleaded*

§ 87(2)(g)

**Allegation A: Discourtesy: PO John Tancredi spoke rudely to § 87(2)(b)**

At the beginning of the stop PO Tancredi allegedly approached § 87(2)(b) and asked something to the effect of “What the fuck was in the bag?” § 87(2)(g) According to § 87(2)(b) he told the officers “None of your business” when they first asked him about the bag he had placed in the alley way, § 87(2)(g)

However, all officers at the scene denied the use of profanity throughout the entire incident.

§ 87(2)(g)

**Allegation B: Abuse of Authority: PO John Tancredi forcibly stopped § 87(2)(b)**

**Allegation C: Abuse of Authority: PO Mark Jablonski forcibly stopped § 87(2)(b)**

PO Tancredi and PO Jablonski admitted to physically grabbed § 87(2)(b) in the course of stopping him on the suspicion that he may have been in possession of a weapon. Their explanation for doing so was that they heard gunshots fired in the vicinity and then observed § 87(2)(b) on the street placing a black object in an alley way. When they approached to conduct a common law inquiry, as per the complainant’s statement, § 87(2)(b) admittedly became verbally and physically resistant.

§ 87(2)(b), § 87(2)(g)

According to Kamins (see enclosure 1), if an officer conducts a common law inquiry and a suspect’s behavior leads them to believe that they may have a weapon that they are reaching for, they are permitted to physically restrain the suspects arms, for example, in order to protect themselves. § 87(2)(g)

**Allegation D: Force: Sgt. Richard Pignatelli used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that, after being physically stopped by PO Jablonski and PO Tancredi but before his mother, § 87(2)(b) had come outside, Sgt. Pignatelli approached, kned him in the crotch and then slammed him back first against a parked car. § 87(2)(b), § 87(2)(g)

**Allegation E: Abuse of Authority: PO Mark Jablonski searched § 87(2)(b)**

**Allegation F: Abuse of Authority: PO John Tancredi searched § 87(2)(b)**

**Allegation G: Abuse of Authority: Sgt. Richard Pignatelli searched § 87(2)(b)**

Again, before § 87(2)(b) came outside to witness the incident, § 87(2)(b) alleged that PO Jablonski first entered his pockets and then placed his hand inside of § 87(2)(b)’s waistband, then he alleged that Sgt. Pignatelli and PO Tancredi, in succession, performed the same search. All of the officers explained a scenario in which PO Jablonski did an outside frisk of § 87(2)(b)’s waistband after § 87(2)(b) had reached his hand back there as the officers approached.

§ 87(2)(b)

All of the other officers denied frisking or searching § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

**Allegation H: Discourtesy: Officers spoke rudely to § 87(2)(b)**

As § 87(2)(b) came upon the incident, she heard officers telling her son, § 87(2)(b) “shut the fuck up.” But she was not able to ascribe the statement to any of the three officers involved in this incident. Also, § 87(2)(b) did not allege that he heard the officers say “shut the fuck up.” § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation I: Offensive Language: Sgt. Richard Pignatelli made remarks towards § 87(2)(b) based upon race.**

**Allegation J: Discourtesy: Sgt. Richard Pignatelli threatened to arrest § 87(2)(b) and § 87(2)(b)**

**Allegation K: Discourtesy: Sgt. Richard Pignatelli spoke rudely to § 87(2)(b) and § 87(2)(b)**

After § 87(2)(b) came outside, she identified herself as a corrections officer and Sgt. Pignatelli told her, “I don’t give a fuck who you work for,” called § 87(2)(b) a “black bitch” and then stated to § 87(2)(b) and § 87(2)(b) “I could have both of your asses in jail tonight.” § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: